

5026. Adulteration of date paste. U. S. v. 10 Crates of Date Paste. Default decree of condemnation and destruction. (F. D. C. No. 9023. Sample No. 12423-F.)

On December 24, 1942, the United States attorney for the Western District of Washington filed a libel against 10 crates of date paste at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 16, 1942, by Andrew Reich & Co. from Los Angeles, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance, worm and other insect fragments, and was fermented, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "California Date Pieces Seeded and Macerated."

On July 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5027. Adulteration of fruit cocktail. U. S. v. 170 Cases of Fruit Cocktail. Default decree of condemnation and destruction. (F. D. C. No. 9101. Sample No. 7927-F.)

On December 30, 1942, the United States attorney for the District of Minnesota filed a libel against 170 cases of fruit cocktail at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about September 22, 1942, by the Hunt Bros. Packing Co. from Hayward, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Blue Bonnet Brand * * * Fruit Cocktail Winters Canning Company Distributors Main Office San Francisco."

On February 19, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5028. Adulteration of orange juice. U. S. v. 1,096 Cases, 106 Cans, and 263 Cases of Orange Juice. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 9584. Sample Nos. 728-F, 729-F.)

On March 23, 1943, the United States attorney for the Northern District of Illinois filed a libel against 1,096 cases, each containing 12 cans and 106 swelled cans, and 263 cases, each containing 6 cans, of orange juice at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 23, 1942, and January 14, 1943, by the Sun Bird Packing Company, Ltd., from Arcadia and Los Angeles, Calif.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Sun-bird California Unsweetened Orange Juice."

On April 30, 1943, R. J. Mattison, doing business as the Sun Bird Packing Co., Ltd., having appeared as defendant and having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration.

5029. Adulteration of canned prune juice. U. S. v. 14 Cases of Canned Prune Juice. Default decree of condemnation and destruction. (F. D. C. No. 9547. Sample No. 30938-F.)

Examination showed this product to be undergoing active spoilage.

On March 18, 1943, the United States attorney for the Western District of Washington filed a libel against 14 cases of canned prune juice at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 18, 1941, by Libby, McNeill & Libby from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Cans) "Ramrod Juice of Dried Prunes * * * Emery Food Co. Chicago, Illinois Distributors."

On July 13, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5030. Adulteration and misbranding of vinegar. U. S. v. 9 Barrels, 5 Kegs, and 5 Cases, (563 gallons), of Vinegar (and 4 additional seizure actions against vinegar). Decrees of condemnation. Portions of product ordered delivered to public or welfare organizations. Remainder ordered destroyed. (F. D. C. Nos. 9545, 9699, 9752, 9787, 9912. Sample Nos. 3162-F, 3170-F, 13727-F, 15936-F, 15937-F, 27726-F, 36049-F.)

Between March 26 and May 31, 1943, the United States attorneys for the District of Wyoming, the Southern District of California, and the District of Nebraska, filed libels against 9 barrels, 5 kegs, 20 gallon jugs, and 6 cartons, each containing 24 1-pint bottles, of vinegar, at Cheyenne, Wyo., 15 barrels of vinegar at Casper, Wyo., 68 gallon jugs of vinegar at Mira Loma, Calif., and 17 barrels of vinegar at Lincoln, Nebr., alleging that the article had been shipped in interstate commerce within the period from on or about December 11, 1942, to February 12, 1943, by the Speas Co.

from Denver, Colo.; and charging that it was adulterated and misbranded. The article was labeled in part: "Asher Brand Apple Cider Vinegar Diluted with Water to 4½ Percent Acetic Acid Strength," "Speas Fermented Apple Cider Vinegar Full Strength," "Fancy Table and Pickling Vinegar * * * Apple Cider Vinegar Diluted with Water to Four and Half Acetic Acid Strength Packed For Walter Schultz Company Casper, Wyoming," or "Sixty Grain Apple Cider Vinegar."

The article was alleged to be adulterated in that a substance, dilute acetic acid or distilled vinegar, a portion artificially colored, had been substituted wholly or in part for the article. Portions were alleged to be adulterated further in that acetic acid or distilled vinegar, a portion containing artificial color, had been added thereto or mixed or packed therewith so as to reduce its quality or strength, and, in the case of the lot containing artificial color, so as to make it appear better or of greater value than it was. One lot was alleged to be adulterated further in that inferiority had been concealed by the use of artificial color.

All lots of the article were alleged to be misbranded (1) in that the statements "Apple Cider Vinegar," "Apple Cider Vinegar Full Strength," "Apple Cider Vinegar Diluted with Water to Four and Half Acetic Acid Strength," and "Apple Cider Vinegar Diluted with Water to 4½ Percent Acetic Acid Strength," appearing in the labeling of the various lots were false and misleading as applied to mixtures of cider vinegar with dilute acetic acid or distilled vinegar, a part of which was artificially colored; and (2) in that it was offered for sale under the name of another food. One lot was alleged to be misbranded further in that it contained artificial coloring and failed to bear labeling stating that fact.

On April 3 and 9, and June 14, 1943, the Speas Co. having appeared as claimant for the lots located at Cheyenne and Casper, Wyo., and having consented to the entry of decrees, judgments of condemnation were entered and the product was ordered released to the claimant under bond for repackaging and relabeling. On May 31 and June 23, 1943, these decrees were modified, with the consent of the claimant, to permit the delivery of the product to various Federal, State, and municipal institutions. On April 21 and May 10, 1943, the consignee of the lot located at Lincoln having consented to the entry of a decree and no claimant having appeared for the lot located at Mira Loma, Calif., judgments of condemnation were entered and the former lot was ordered destroyed and the latter was ordered delivered to charitable and welfare organizations.

5031. Adulteration of mince meat. U. S. v. 27 Wooden Pails and 44 Cases of Mince Meat. Default decrees of condemnation and destruction. (F. D. C. Nos. 9069, 9171. Sample Nos. 24171-F, 36843-F.)

On December 23, 1942, and January 11, 1943, the United States attorneys for the District of Maryland and the District of Columbia filed libels against 27 wooden pails, each containing 20 pounds, of mince meat at Baltimore, Md., and 44 cases, each containing 6 8-pound bottles, of mince meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about December 11 and 17, 1942, by the Old Virginia Packing Co., Inc., from Front Royal, Va.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances, rodent hair fragments and insect fragments, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Old Virginia Extra Fancy Mince Meat," or "Virginia Royal Fancy Plain Mince Meat."

On January 20 and February 3, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

CANNED VEGETABLES

5032. Adulteration of canned green beans. U. S. v. 249 Cases of Cut Green Beans. Default decree of condemnation and destruction. (F. D. C. No. 8472. Sample No. 24241-F.)

This product was underprocessed and decomposed.

On October 1, 1942, the United States attorney for the Western District of Virginia filed a libel against 249 cases, each containing 24 cans, of cut green beans at Check, Va., alleging that the article had been shipped in interstate commerce on or about September 3, 1942, by W. C. Simpson, from Check, Va., to Mabscott, W. Va., and had been returned on September 18, 1942, to Check, Va.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: (Cans) "Bent Mountain Brand * * * Cut Green Beans."

On May 24, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.